

JULY 26, 2016

**CITY OF GUNNISON COUNCIL  
REGULAR SESSION MEETING MINUTES**

7:00 P.M.

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Hagan with Councilors Sovick, Drexel, Morrison and Schwartz present along with City Attorney Fogo, City Manager Achen, Acting City Manager/Police Chief Robinson, City Clerk Davidson, Finance Director Cowan, Community Development Director Westbay, City Accountant Arnett, several citizens and the press. A Council quorum was present.

**Consent Agenda:**

The listing under "CONSENT AGENDA" is a group of items, which Council has already reviewed, to be acted on with a single motion or vote. This agenda is designed to expedite the handling of limited routine matters by Council. The Mayor will ask if any Councilor or Citizen wishes to have any specific item removed from the Consent Agenda and acted upon individually.

**Minutes of July 12, 2016, Regular Session Meeting**

**Action on City Employee Return to Work Policy**

**Action on City Employee Pre-Employment Screening Policy**

Councilor Schwartz moved and Councilor Drexel seconded the motion to approve the Consent Agenda as stated in the agenda.

Roll call vote, yes: Sovick, Drexel, Hagan, Morrison, Schwartz. So carried.

Roll call vote, no: None.

**Pre-Scheduled Citizens:**

**Presentation of 2015 City Audit by Auditors from McMahan and Associates.** Mr. Paul Backes, with the accounting firm McMahan and Associates LLP, introduced himself to Council and then discussed the following items: their firm only performs audits; the process consists first of reviewing the financials in their office where they verify the database; field work consists of 4 CPAs being on-site at the City and then follow up work in their office including preparation of the audit review and recommendations; when they were at the City they reviewed the receivables, capital assets, payroll, debt obligations and equity; they review the City fund reserves to confirm they are in compliance with TABOR requirements; the audit document contains the financial statements for each fund, the independent auditor's report and the Management Discussion and Analysis that summarizes the financial status of the City; the General Fund Reserves are at 57% which they deem reasonable and prudent; in the Enterprise Funds the Electric Fund reserve is at 18% and that suggests the fund should be reviewed and built up over the next few years; the audit was very straight forward and the Finance Team did a great job in preparing the information for the auditors; not one journal entry was needed to correct any issues; there are three minor recommendations; and overall it was a clean audit so those financials can be put to bed. The Mayor thanked Finance Director Cowan and Accountant Michelle Arnett for all of their work on the successful audit.

**Old Business:** None.

**New Business:**

**Appointment of Parks & Recreation Advisory Committee Members.** Council discussion ensued on the process to select the Committee members. City Clerk Davidson informed Council that David Wiens had removed his letter of interest for consideration. Consensus was for each Councilor to rate the remaining applicants and the applicants with the highest number will fill the six positions on the Committee. The high school student representative will be solicited and then appointed after the start of the school year. Council proceeded with the other agenda items while they made their Committee selections and will return to this item later in the meeting.

**Action on Acceptance of 2015 City Audit.**

Councilor Drexel moved and Councilor Schwartz seconded the motion to accept the 2015 City Audit as presented.

Roll call vote, yes: Hagan, Morrison, Schwartz, Sovick, Drexel. So carried.

Roll call vote, no: None.

**Resolutions and Ordinances:**

**Resolution No. 8, Series 2016; Re: Supporting the City's Grant Applications for Transportation Alternatives Program Grants from CDOT Region 3 for the Complete Streets Improvements Projects.** Councilor Morrison introduced Resolution No. 8, Series 2016, and it was read by title only by the City Attorney.

Councilor Morrison moved and Councilor Schwartz seconded the motion that Resolution No. 8, Series 2016, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, SUPPORTING THE APPLICATION FOR THE TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT FROM THE COLORADO DEPARTMENT OF TRANSPORTATION REGION 3 FOR THE CITY OF GUNNISON COMPLETE STREETS PROJECT**, be introduced, read, passed and adopted this 26<sup>th</sup> day of July, 2016.

Roll call vote, yes: Hagan, Morrison, Schwartz, Sovick, Drexel. So carried.

Roll call vote, no: None.

**Ordinance No. 8, Series 2016; Re: Text Amendment to LDC Sections 1.7.K. (rounding up of allowed unit density calculations) and 8.1.C, (allowing variances for dimensional standards irregularities); 2nd Reading.** Councilor Drexel introduced Ordinance No. 8, Series 2016, and it was read by title only by the City Attorney.

Councilor Drexel moved and Councilor Sovick seconded the motion that Ordinance No. 8, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, TO AMEND SECTIONS 1, ADMINISTRATION (1.7.K. DENSITY) AND 8, VARIANCES (8.1.C. DIMENSIONAL STANDARDS VARIANCES AUTHORIZED) WITHIN THE CITY OF GUNNISON LAND DEVELOPMENT CODE**, be introduced, read, passed and adopted on second and final reading this 26th day of July, 2016.

Roll call vote, yes: Morrison, Schwartz, Sovick, Drexel, Hagan. So carried.

Roll call vote, no: None.

**Ordinance No. 9, Series 2016; Re: Amending GMC Title 5. General Offenses, Chapter 5.30 Nuisances (defining City nuisances and abatement procedures); 2nd Reading.** Councilor Schwartz introduced Ordinance No. 9, Series 2016, and it was read by title only by the City Attorney.

Councilor Schwartz moved and Councilor Morrison seconded the motion that Ordinance No. 9, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING TITLE 5. GENERAL OFFENSES, CHAPTER 5.30, NUISANCES, OF THE GUNNISON MUNICIPAL CODE**, be introduced, read, passed and adopted on second and final reading this 26th day of July, 2016.

Roll call vote, yes: Schwartz, Sovick, Drexel, Hagan, Morrison. So carried.

Roll call vote, no: None.

**Ordinance No. 10, Series 2016; Re: Amending GMC Title 5, by adding Chapter 5.50. Undesirable Plant Management and Adopting Undesirable Plan Management Plan (defining undesirable plants/weeds and abatement procedures), 2nd Reading.** Councilor Schwartz introduced Ordinance No. 10, Series 2016, and it was read by title only by the City Attorney.

Councilor Schwartz moved and Councilor Drexel seconded the motion that Ordinance No. 10, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING TITLE 5. GENERAL OFFENSES, BY ADDING CHAPTER 5.50 UNDESIRABLE PLANT MANAGEMENT, AND ADOPTING AN UNDESIRABLE PLANT MANAGEMENT PLAN IN ACCORDANCE WITH THE COLORADO NOXIOUS WEED ACT**, be introduced, read, passed and adopted on second and final reading this 26th day of July, 2016.

Roll call vote, yes: Sovick, Drexel, Hagan, Morrison, Schwartz. So carried.

Roll call vote, no: None.

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Council then returned to action on New Business agenda item A.

Finance Director Cowan displayed a spread sheet depicting Council's total ratings on each applicant for appointment to the Parks & Recreation Advisory Committee.

Councilor Schwartz moved and Councilor Morrison seconded the motion to appoint Kathleen Kinkema, Matt Ebbott, Joey Otsuka and John Solanik as City representatives, Layne Nelson as the At-Large representative, and Jennifer Swift as the North of the City limits representative to the Parks & Recreation Advisory Committee with terms to be determined by the Committee at their organizational meeting.

Roll call vote, yes: Drexel, Hagan, Morrison, Schwartz, Sovick. So carried.

Roll call vote, no: None.

#### **Executive Session:**

**The purpose of which is pursuant to C.R.S. §24-6-402(4)(e) for determining positions relative to matters that may be subject of negotiations; developing strategies for negotiations; and instructing negotiators.**

Councilor Morrison moved and Councilor Schwartz seconded the motion to go into Executive Session the purpose of which is pursuant to C.R.S. 24-6-402(4)(e) for determining positions relative to matters that may be subject of negotiations; developing strategies for negotiations; and instructing negotiators.

Roll call vote, yes: Hagan, Morrison, Schwartz, Sovick, Drexel. So carried.

Roll call vote, no: None.

Council went into Executive Session at 7:47 P.M. and the public left the room.

Council returned to the open Regular Session at 8:25 P.M. and the recording was resumed.

Mayor Hagan stated the time is now 8:26 P.M., and the Executive Session has been concluded. The participants in the Executive Session were himself, Mayor Richard Hagan, Mayor Pro Tem Robert Drexel, City Councilors Leia Morrison, Matt Schwartz and Andy Sovick, City Attorney Kathy Fogo, City Manager Mark Achen, City Clerk Gail Davidson, and Community Development Director Steve Westbay.

The Mayor then asked, for the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that they state their concerns for the record. There were no comments.

#### **New Business (continued after Executive Session)**

##### **Direct Negotiating Committee on Matters of Negotiations**

Councilor Schwartz moved and Councilor Drexel seconded the motion to instruct the Negotiating Committee to proceed with the negotiations on acquisition of the downtown parking lot properties as discussed during the Executive Session.

Roll call vote, yes: Morrison, Schwartz, Sovick, Drexel, Hagan. So carried.

Roll call vote, no: None.

#### **Reports:**

**City Attorney Kathleen Fogo:** No report.

**City Manager Mark Achen:** reminded Council that CityFest is this Thursday from 11:30 am to 1:30 pm at the outdoor rink at Jorgensen Park. Other topics discussed included: street furniture and fixtures on the downtown Main street sidewalks have been rearranged by Streets Superintendent Greg Summer and his crew, Planner Andie Ruggera and with input from the adjacent business owners; he is examining the refuse operations and will delay of purchasing of

the new refuse truck until next year so that alternatives can be examined; and with Council's permission, he has been asked to sit on a peer review panel of Town Manager applicants for Crested Butte. Council had no issues with him participating on that panel.

**Acting City Manager/Police Chief Keith Robinson – Semi-Annual Department Report.** Chief Robinson reviewed the report he included in Council's packets and discussed the following topics: Council approved a new patrol officer position and a neighborhood services officer position in the 2016 budget and both positions were filled; an existing Police officer resigned from the force so there is still one position to be filled and the application process has been reopened; the Law Enforcement Advocate Program has been an asset in the community and a VALE grant will be applied for in 2017 to help fund that program; one dispatcher resigned and has been replaced; required POST-certified officer training continues with 913 total hours of sworn officer training taking place year-to-date; the Department is reviewing and adopting the Lexipol policy program that will allow the Department to maintain legally updated current policies that will assist with department accreditation; and the summer has been a busy one with lots of events and several still to come. Officer Rob Whiting is looking at two different education programs to be implemented at the schools utilizing marijuana tax funds. Officer Whiting is waiting for the school administration to return from summer break so he can discuss incorporating programs into the curriculum. Council thanked Chief Robinson for the report.

**City Clerk Gail Davidson:** reminded Council of the City-hosted Mayors/Managers meeting next week on Thursday, August 4<sup>th</sup> at noon at the Community Center and asked who will be in attendance. Councilors Morrison, Sovick and Hagan said they will probably be in attendance. City Clerk Davidson then informed Council she and IT Manager Lee have been discussing "livestreaming" the Council Chambers. She asked that before spending too much time on it, does the Council want to livestream their meetings. The Planning Commission does not record the video of their meetings, only the audio. After discussion, Council would like more cost information before making a decision.

**Western State Colorado University Student Liaison:** absent until fall semester.

**Non-Scheduled Citizens:** None.

**City Council Discussion, Meeting Reports, Items for Work Session:**

**Councilor Morrison:** reported she attended the Chamber Board meeting this morning where they discussed the following: the Chamber is adding a new "winter forecast" event in October that will be similar to the spring forecast event; the annual "Best of" program and made some modifications to some of the categories; the High Octane Arts & Crafts event to be held during car show weekend has lots of vendors signed up and the Farmer's Market will be holding their market at the Park that weekend as well; the Chamber has been experiencing an average of 4 to 5 new members per month; and there is an upcoming Business After Hours event.

**Councilor Schwartz:** reported he attended a visitor center operations meeting along with Finance Director Ben Cowan. With a suggestion from Ben, a compromise was reached with the Chamber and an agreement should be ready in a week or two.

**Councilor Sovick:** had no report.

**Councilor Drexel:** reported a project grants administrator for the Broadband projects has been hired and that person will have an office in the Region 10 building in Montrose. He attended the grand opening of the GVRHA's Anthracite Place workforce housing apartments in Crested Butte and observed there are some great views of Crested Butte Mountain from several of the units. Councilor Drexel then stated he had a call from the City Water Department who came out and replaced his home's water meter. The crew was very efficient and were good workers. Finance Director Cowan explained the City is replacing all of the remaining older "Turtle" remote read water meters because the reader unit failed and the equipment is no longer available. The City is switching over to new meter technology that allows for the meters to be read on-line. Service can also be shut-off or started from City Hall. Lastly, Councilor Drexel informed Council he had a

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constituent suggest if the City wants to spruce up the west entrance to town they could start by manicuring the little ditch between the highway and the service road starting at the twin bridges and heading into town.

**Mayor Hagan:** reported he too attended the Anthracite Place grand opening event. The GVRHA reports the rentals of those units are on track to be fully rented by August 1<sup>st</sup> in compliance with their requirements. The Housing Needs Assessment Survey will go live this week. Rentals are very few in Gunnison. If students haven't already rented they may not have a place to live when they return this fall.

**Adjournment:** Mayor Hagan called for any further discussion from Council, Staff or the public, and hearing none, adjourned the Regular Session meeting at 9:07 P.M.

Richard Hagan  
Mayor

Gail Davidson  
City Clerk